

EXHIBIT 40

EXHIBIT B

Second Supplemental

Exhibit B-Second Supplemental

List of Materials Considered

1. Complaint for Patent and Copyright Infringement, Demand for Jury Trial and exhibits, *Oracle America, Inc., v. Google, Inc.*, No. 10-03561 WHA, United States District Court, Northern District of California, August 12, 2010.
2. Google Inc.'s Answer to Plaintiff's Complaint for Patent and Copyright Infringement and Counterclaims, Jury Trial Demanded, *Oracle America, Inc., v. Google, Inc.*, No. 10-03561 WHA, United States District Court, Northern District of California, October 4, 2010.
3. Google Inc.'s Motion to Dismiss Count VIII of Plaintiff's Complaint Or, In The Alternative, For a More Definite Statement, *Oracle America, Inc., v. Google, Inc.*, No. 10-03561 WHA, United States District Court, Northern District of California, October 4, 2010.
4. Amended Complaint for Patent and Copyright Infringement, Demand for Jury Trial, *Oracle America, Inc., v. Google, Inc.*, No. 10-03561 WHA, United States District Court, Northern District of California, October 27, 2010.
5. Google Inc.'s Answer to Plaintiff's Amended Complaint for Patent and Copyright Infringement and Counterclaims, Jury Trial Demanded, *Oracle America, Inc., v. Google, Inc.*, No. 10-03561 WHA, United States District Court, Northern District of California, November 10, 2010.
6. Case Management Order, *Oracle America, Inc., v. Google, Inc.*, No. 10-03561 WHA, United States District Court, Northern District of California, November 19, 2010.
7. Order Entering Joint Proposed Claim Construction Briefing Schedule, *Oracle America, Inc., v. Google, Inc.*, No. 10-03561 WHA, United States District Court, Northern District of California, November 29, 2010.
8. Defendant Google Inc.'s Supplemental Responses to Plaintiff's Interrogatories, Set One.
9. Plaintiff Oracle America, Inc.'s Supplemental Responses to Defendant Google, Inc.'s Interrogatories, Set One.
10. Plaintiff's Request for Production of Documents and Things to Defendant Google Inc., Set One.
11. Joint Protective Order, *Oracle America, Inc., v. Google, Inc.*, No. 10-03561 WHA, United States District Court, Northern District of California, December 20, 2010.

12. Google's Invalidity Contentions, served on January 18, 2011.
13. Joint Claim Construction Statement, *Oracle America, Inc., v. Google, Inc.*, No. 10-03561 WHA, United States District Court, Northern District of California, February 22, 2011.
14. Oracle's Technology Tutorial, *Oracle America, Inc., v. Google, Inc.*, No. 10-03561 WHA, United States District Court, Northern District of California, April 6, 2011, Oracle 04-06-2011 Tech Tutorial Slide.PPT.
15. Google's Technical Tutorial, *Oracle America, Inc., v. Google, Inc.*, No. 10-03561 WHA, United States District Court, Northern District of California, April 6, 2011, Oracle v Google – Google Tech Tutorial Slides 04-06-2011.pdf.
16. Oracle's Technology Tutorial Supplement, *Oracle America, Inc., v. Google, Inc.*, April 6, 2011, Oracle 04-06-2011 Tech Tutorial Supplement.PPT.
17. Claim Construction Hearing, Oracle's Argument, *Oracle America, Inc., v. Google, Inc.*, April 20, 2011, Oracle Markman Hearing Slides 04-20-2011.pdf.
18. Transcript of Proceedings, *Oracle America, Inc., v. Google, Inc.*, No. 10-03561 WHA, United States District Court, Northern District of California, April 20, 2011.
19. Claim Construction Order, *Oracle America, Inc., v. Google, Inc.*, No. 10-03561 WHA, United States District Court, Northern District of California, May 9, 2011.
20. Order Granting in Part Motion to Strike Damage Report of Plaintiff Expert Iain Cockburn, *Oracle America, Inc., v. Google, Inc.*, No. 10-03561 WHA, United States District Court, Northern District of California, July 22, 2011.
21. Order Granting In Part And Denying In Part Plaintiff's Request To Take Additional Depositions, *Oracle America, Inc., v. Google, Inc.*, No. 10-03561 WHA, United States District Court, Northern District of California, July 21, 2011.
22. U.S. Patents Nos. 5,966,702; 6,061,520; 6,125,447; 6,192,476; RE38,104 E; 6,910,205; 7,426,720 and associated file histories.
23. U.S. Patent Nos. 5,909,579; 5,995,754; 6,591,416; 6,691,307; 6,886,157; 7,093,134; 5,311,591; 5,412,717; 7,934,166; 6,026,485; 5,768,593.
24. Oracle Java code, documentation, specifications, and related materials.
25. Android code, documentation, specifications, videos, and related materials.
26. Files from Android devices.

27. Deposition transcripts and exhibits: Aditya Agarwal, Joshua Bloch, Daniel Bornstein, Patrick Brady, Eric Chu, Rachel Claflin, Bob Lee, Andrew McFadden, Dan Morrill, Lisa Ripley, Andrew Rubin, Brian Swetland.
28. Performance benchmarks and testing by Bob Vandette, Noel Poore, and Erez Landau
29. Reports by Johnson-Laird, Inc.
30. Expert Report of Iain M. Cockburn and supporting materials
31. Analysis of Samsung Captivate (SGH-I897) & LG (Various Models) Handset Code by Marc Visnick (JLI)
32. Expert Report of Dr. Benjamin F. Goldberg Regarding Validity of Patents-in-Suit and supporting documents
33. Expert Report of Dr. David I. August, Ph.D. Regarding the Non-Infringement of U.S. Patent No. RE38,104 and supporting documents
34. Expert Report of David I. August, Ph.D. Regarding the Non-Infringement of U.S. Patent No. 6,910,205 and supporting documents
35. Expert Report of Terence Parr, Ph.D. Regarding Non-Infringement of U.S. Patent No. 5,966,702 and supporting documents
36. Expert Report of Terence Parr, Ph.D. Regarding the Non-Infringement of U.S. Patent No. 6,061,520 and supporting documents
37. Expert Report of Jack W. Davidson, Ph.D. Regarding the Non-Infringement of U.S. Patent No. 7,426,720 and supporting documents
38. Expert Report of Prof. David Mazières, Ph.D. Regarding Non-Infringement of U.S. Patent Nos. 6,125,447 and 6,129,476 and supporting documents
39. Videos:
 - Google I/O 2008 Video entitled “Anatomy and Physiology of an Android,” presented by Patrick Brady, *available at* <http://developer.android.com/videos/index.html#v=G-36noTCaiA>
 - Google I/O 2010 Video entitled “A JIT Compiler for Android’s Dalvik VM,” presented by Ben Cheng and Bill Buzbee (Google’s Android Team), *available at* <http://developer.android.com/videos/index.html#v=Ls0tM-c4Vfo>
 - Google I/O 2008 Video entitled “Dalvik Virtual Machine Internals,” by presented Dan Bornstein, *available at* <http://developer.android.com/videos/index.html#v=ptjedOZEXPM>

- R. Cannings, 2010 Presentation entitled “Android: Securing a Mobile Platform from the Ground Up,” available at <http://www.usenix.org/events/sec09/tech>

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- D. Goodin, “2 out of 3 Android apps use private data ‘suspiciously’ Google protections ‘insufficient’,” posted Sept. 30, 2010, available at http://www.theregister.co.uk/2010/09/30/suspicious_android_apps/
- E. Gamma, et al., Design Patterns: Elements of Reusable Object-Oriented Software (1995), available at http://books.google.com/books?id=6oHuKQe3TjQC&printsec=frontcover&dq=Design+Patterns:+Elements+of+Reusable+Object-Oriented&hl=en&ei=wVI_TsC6IobhiAKMqpHDBg&sa=X&oi=book_result&ct=result&resnum=1&ved=0CCoQ6AEwAA#v=onepage&q&f=false
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- JR Raphael, *The Nexus S and Google: Everything There Is To Know*, PCWORLD (Nov. 11, 2010), available at http://www.pcworld.com/article/210460/the_nexus_s_and_google_everything_the_re_is_to_know.html
- M. LaMonica, “IBM, BEA join on Java strategy,” CNET News (Nov. 25, 2003), available at <http://news.cnet.com/2100-7345-5111567.html>
- N.C. Schaller et al., Panel Report: Using Java in Computer Science Education, Proceedings of the 2nd Annual Conference on Integrating Technology into Computer Science Education, ITiCSE 1997, Uppsala, Sweden, 1-5 June, 1997. ACM 1997, ISBN 0-89791-923-8, retrieved from http://portal.acm.org/ft_gateway.cfm?id=266154&type=pdf
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- “Tested: iPhone 4 (iOS 4.2.1 vs. 4.3) and Android phones,” *available at* http://news.cnet.com/8301-17938_105-20041273-1.html

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- W. Enck et al., "TaintDroid: An Information-Flow Tracking System for Realtime Privacy Monitoring on Smartphones," 9th USENIX Symposium on Operating Systems Design and Implementation (OSDI'10), p. 9, available at <http://appanalysis.org/tdroid10.pdf>
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- <http://android.git.kernel.org/?p=platform/build.git;a=tags>
- <http://android.git.kernel.org/?p=platform/manifest.git>
- <http://android-developers.blogspot.com/2010/05/dalvik-jit.html>
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- <http://developer.android.com/reference/java/security/ProtectionDomain.html>
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- <http://www.google.com/nexus/#/tech-specs>
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- <http://www.python.org/>
- <http://www.talkandroid.com/android-forums/android-hardware/2-android-minimum-hardware-requirements.html>
- <http://www.tiobe.com/index.php/content/paperinfo/tpci/index.html>
- http://www.tiobe.com/index.php/content/paperinfo/tpci/tpci_definition.htm
- <http://web.archive.org/web/20080205101616/http://www.sun.com/smi/Press/sunflash/1996-01/sunflash.960123.10561.xml>
- <https://opensource.samsung.com/>
- https://market.android.com/details?id=com.prosyst.mbs.mobile.android&feature=search_result
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42. Case Law:

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- *Festo Corp. v. Shoketsu Kinzoku Kabushiki Co.*, 535 U.S. 722 (2002)
- *Global-Tech Appliances, Inc. v. SEB S.A.*, 131 S. Ct. 2060 (2011)
- *Moore U.S.A., Inc. v. Standard Register Co.*, 229 F.3d 1091 (Fed. Cir. 2000)
- *Warner-Jenkinson Co. v. Hilton Davis Chem. Co.*, 520 U.S. 17 (1997)

43. Oracle production:

OAGOOGL0000106419

OAGOOGL0000116075
OAGOOGL0000122862
OAGOOGL0100000454
OAGOOGL0100003560
OAGOOGL0100003653
OAGOOGL0100003796
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44. Google production:

GOOGLE-00296158
GOOGLE-00296163
GOOGLE-00296500
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GOOGLE-00302808
GOOGLE-00320083
GOOGLE-00320116
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GOOGLE-03374578
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GOOGLE-00392213
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GOOGLE-01-00053552
GOOGLE-01-00056695
GOOGLE-01-00075935
GOOGLE-02-00111218
GOOGLE-02-00449471
GOOGLE-03-00090810
GOOGLE-04-00039541
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GOOGLE-14-00042244
GOOGLE-16-00110209
GOOGLE-17-00016798
GOOGLE-17-00066964
GOOGLE-17-00119695
GOOGLE-17-00664938
GOOGLE-22-00171914
GOOGLE-22-00183584
GOOGLE-22-00281510
GOOGLE-22-00433254
GOOGLE-29-00002338
GOOGLE-40-00034698

45. Third Party Production:

STAPROD0000130